

Judge Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

<p>UNITED STATES OF AMERICA, Plaintiff, v. CHARLES CHEATHAM, et al., Defendants.</p>	<p>NO. CR18-131 RAJ NOTICE OF RELATED CASE</p>
<p>UNITED STATES OF AMERICA, Plaintiff, v. MICHAEL MORGAN, et al., Defendants.</p>	<p>RELATED TO NO. CR18-132 RAJ</p>

The United States of America submits this notice to advise the Court that the following cases are related: *United States v. Charles Cheatham et al.*, CR18-131 RAJ, and *United States v. Michael Morgan et al.* CR18-132 RAJ. They arise from the same investigation, and the defendants in both cases are members of the same drug trafficking conspiracy. As such, the cases will involve largely the same evidence and many of the same litigation issues. The government contends that both cases should be considered and adjudicated together to the extent necessary to ensure consistent rulings and a just result.

I. BACKGROUND

A. Investigation

Both of the cases named above arise from a nearly four-year investigation by the DEA, FBI, and Seattle Police Department. These federal and local agencies conducted hundreds of hours of surveillance and intercepted 13 cell phones while investigating a large conspiracy to distribute controlled substances, including heroin, cocaine, marijuana, and other controlled substances.

Early in the case, a confidential source identified Michael Morgan as a drug dealer who could supply multiple-kilograms of cocaine. Investigators then bought cocaine from Morgan on two separate occasions and used traditional investigative techniques to find additional evidence about Morgan's and his associates' drug trafficking. Ultimately, investigators received authorization to intercept telephones used by Morgan and his associates. Investigators intercepted communications between defendants named in both cases. The intercepted calls included exchanges between Morgan and Cheatham, the lead defendants in both cases, and between other defendants named in the two matters. Over the course of the investigation, law enforcement learned that Michael Morgan, Charles Cheatham, Michael Davis, Railen Wheeler, and others are significant drug traffickers who work together to distribute drugs in the Seattle area.

B. Procedural History

On May 30, 2018, the Grand Jury returned two separate indictments charging a total of 40 defendants with 60 counts, including Conspiracy to Distribute Controlled Substances in violation of 21 U.S.C. §§ 841(a)(1) and 846, Possession of Controlled Substances with Intent to Distribute in violation of 21 U.S.C. § 841(a)(1), and Carrying a Firearm During and in Relation to a Drug Trafficking Crime in violation of 18 U.S.C. § 924(c). The evidence showed that all of the defendants in both indictments were part of the same conspiracy, but for administrative reasons, the government presented two separate indictments.

On June 1, 2018, Magistrate Judge Brian Tsuchida authorized search warrants – based on a single application – for 46 locations and 65 vehicles associated with the drug trafficking

1 conspiracy. Less than a week later, on June 6, 2018, law enforcement executed those warrants
 2 and found multiple kilograms of controlled substances, numerous firearms, and large amounts
 3 of cash. That same day, investigators also arrested 33 of the defendants indicted in the two
 4 cases.¹ All but one of those defendants had their arraignments on June 6, 2018, and the Court
 5 set the same pretrial deadlines for both cases, including a trial date for both matters of
 6 August 13, 2018.

7 II. DISCUSSION

8 Local Criminal Rule 13(a) encourages counsel “to file a notice of related case in order
 9 to bring such cases to the Court’s attention.” Accordingly, the United States submits this notice
 10 to inform the Court that *United States v. Charles Cheatham et al.*, CR18-131 RAJ, and *United*
 11 *States v. Michael Morgan et al.* CR18-132 RAJ, are related in many important respects.

12 First, both of the cases arise from the same investigation and rely on the same wiretap
 13 orders and the same search warrant affidavit. The defendants in both cases will receive largely
 14 the same discovery materials and rely on largely the same evidence. As a result, the Court
 15 might be faced with the same litigation issues in both cases.

16 Second, both Indictments include charges arising from the same events. Count 1 in both
 17 Indictments charges all of the defendants with the same Conspiracy to Distribute Controlled
 18 Substances. Each Indictment makes this clear by identifying the defendants from the other
 19 Indictment as co-conspirators in its own Count 1. In addition, some of the stand-alone counts
 20 for Possession with Intent to Distribute are charged in both Indictments. For example, count
 21 17 in the Indictment in *United States v. Michael Morgan et al.* CR18-132 RAJ, and count 16
 22 in the Indictment in *United States v. Charles Cheatham et al.*, CR18-131 RAJ, arise from the
 23 same transaction and involve one defendant from the *Morgan* Indictment and one defendant
 24 from the *Cheatham* Indictment. There are three such events charged in both Indictments,
 25 further demonstrating the relation between the cases.

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 28 ¹ Other defendants were arrested by complaint based on probable cause. It is possible that some or all of these
 defendants will be added to one of the existing indictments.

1 Finally, it will be important for the Court and the parties to be familiar with the evidence
2 and defendants in both cases because each defendant's conduct and culpability will be best
3 understood in the context of his or her interactions with other defendants and in the context of
4 the other defendants' comparable or distinct conduct.

5 Both cases are closely related, and the government presented them in two indictments
6 only to provide some administrative convenience to the Court and the parties. Thus, the cases
7 should be considered together and considered related.

8 DATED this 8th day of June, 2018.

9 Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s).

s/John M. Price

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